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Committee against Torture

Concluding observations on the second periodic report of Turkmenistan

Addendum

Information received from Turkmenistan on follow-up to the concluding observations*

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* The present document is being issued without formal editing.

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Reply to the concluding observations of the Committee against Torture on the second periodic report of Turkmenistan under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

1. In accordance with paragraph 41 of the Committee's concluding observations, we hereby submit information on the implementation of the recommendations contained in paragraphs 12 and 16.

Paragraph 12

(c) Information on specific cases

1. Altymyrad Annamuradov

2. Born on 11 December 1965 in Vekil'-Bazar district (*etrap*), Mary province (welaýat), citizen of Turkmenistan, ethnic Turkmen, married with four daughters, former self-employed car mechanic, residing in Atabaev village, Vekil'-Bazar district, Mary province.

3. Mr. Annamuradov died at his home on 4 September 2016. The forensic medical report and his death certificate indicate that the cause of death was heart failure.

4. The Ministry of Internal Affairs of Turkmenistan conducted an investigation into the death of Mr. Annamuradov. It established that, according to his wife, Edzhebai Annamuradova, and daughter Yadzhemal Annamuradova, Mr. Annamuradov had been complaining of heart failure for several years, was being monitored for the condition by medical specialists and was also receiving medical treatment in a clinic at his place of residence.

5. Mr. Annamuradov was never summoned to the internal affairs agencies and never underwent any kind of interrogation or questioning.

2. Gulgeldy Annaniyazov

6. Born in 1960 in the village of Keshi, Ashgabat, ethnic Turkmen, citizen of Turkmenistan. In 1996, Mr. Annaniyazov was convicted under articles 15-106 (4) and (6) (Aggravated homicide), 257[1] (1) (Illegal handling of narcotic substances without intent to sell), 236 (2) (Criminal mischief), 117 (1) (Intentional minor bodily injury) and 249 (1) (Illegal carrying, storage, acquisition, production or sale of a firearm, ammunition or explosives) of the Criminal Code and sentenced to 15 years' imprisonment. He was released early under a presidential pardon in 1999, again committed an offence and, on 7 October 2008, the Supreme Court convicted him under articles 214 (Illegal crossing of the State border of Turkmenistan) and 217 (Seizure of or damage to documents, stamps, seals or forms) and sentenced him to 11 years' imprisonment. He is currently serving his sentence in colony AK-T/2 of Ahal Province Police Department.

7. The criminal case in brief: he stole a passport from Orazgeld Yailov, No. 623246, series P-LK, issued on 11 April 1995 by President Niyazov District Police Department, Ashgabat; without special permission, he left the country illegally for Moscow, Kazakhstan and Norway, where he took up residence. On 23 June 2008, he illegally crossed the State border back into Turkmenistan.

3. Saparmamed Nepeskuliev

8. Born in 1978 in Balkanabat, Balkan province, ethnic Turkmen, citizen of the Russian Federation, no previous convictions, residing at apartment 23, building 30, residential district 211, Balkanabat, unemployed.

9. On 31 August 2015, Türkmenbaşy City Court convicted Mr. Nepeskuliev under article 303[1] (1) of the Criminal Code (Illegal trafficking in medicines containing tramadol hydrochloride (other tramadol products) or other psychoactive substances) and sentenced him to 3 years' imprisonment. He is currently serving his sentence at the BL-D/5 detention facility of the Balkan Province Police Department (after his conviction, he was placed in a remand centre for work in the maintenance crew).

10. The criminal case in brief: he was in possession of 46 tramadol tablets with intent to sell.

4. Gurbansoltan Achilova

11. Born on 1 October 1949 in Yolöten District, Mary province, citizen of Turkmenistan, ethnic Turkmen, no previous convictions, pensioner, residing at apartment 110, building 3, housing development Parakhat 7/1, Ashgabat.

12. The Ministry of Internal Affairs of Turkmenistan has no information concerning any arbitrary arrest of Ms. Achilova or the institution of criminal proceedings against her. She currently resides at the address given above.

Paragraph 16

13. In 2016, a new version of the Constitution was adopted. It establishes that the human being constitutes the highest value of society and the State in Turkmenistan. The State is accountable to every citizen. It makes provision for the free development of citizens' personality and protects their life, honour, dignity, liberty, personal inviolability and natural and inalienable rights.

14. In order to ensure that the State protects civil and human rights and freedoms and that they are observed and respected by the State authorities, local authorities and their officials, the institution of the Commissioner for Human Rights (Ombudsperson) has for the first time been introduced into the Constitution. On 23 November 2016, the parliament of Turkmenistan adopted the Ombudsperson Act, which establishes the rights, duties, guiding principles and authority of the Ombudsperson and safeguards in respect of the Ombudsperson's activities. Under the Act, the parliament elects the Ombudsperson from among the three candidates proposed by the President of Turkmenistan by secret ballot, by a simple majority.

15. On 20 March 2017, the parliament held a multicandidate election for the position of Ombudsperson. The Act establishes a rule according to which the election or discontinuation of the mandate of the Ombudsperson is to be reported in the media in Turkmenistan. The Ombudsperson's activities are open and transparent and are covered by the media.

16. The Ombudsperson's independence is guaranteed under the Act. Both the Ombudsperson and the Ombudsperson's deputy have personal immunity. The Ombudsperson acts independently and does not answer to any State bodies or officials. The decisions of the Ombudsperson express a legal position free from political bias and consistent with the Constitution, laws and international treaties of Turkmenistan and with universally accepted standards of international human rights law.

17. Article 18 of the Act outlines the mandate of the Ombudsperson, under which the Ombudsperson:

(1) Has the right to visit, freely and without prior notification, any State bodies, local government bodies, enterprises, institutions or organizations, irrespective of the form in which they are legally constituted or their form of ownership, as well as correctional and other specialized institutions, pretrial detention centres, detention facilities, the armed forces of Turkmenistan and other forces and military institutions, and conducts inspections of their operations, either independently or jointly with competent State bodies, officials or civil servants;

(2) Requests and receives from officials of State bodies, local government bodies, enterprises, institutions or organizations, irrespective of the form in which they are legally constituted or their form of ownership, required documentation, case files and other information and clarifications;

(3) Instructs the competent government authorities and academic institutions to conduct expert studies on issues that arise; and

(4) Submits proposals to the competent State bodies or officials for the initiation of disciplinary or administrative proceedings or of criminal cases against officials who have violated human rights and freedoms.

18. The Ombudsperson is also entitled to exercise other powers under the Act and under other national laws and regulations.

19. Under the law, the Ombudsperson submits an annual report to the President concerning the activities of the Ombudsperson's Office and the human rights situation in the country and presents the report to the national parliament. The annual report receives media coverage in Turkmenistan.

20. The Ombudsperson's activities are complementary to existing State protections of civil and human rights and freedoms. They do not impinge upon the competence of other State bodies that protect civil and human rights and freedoms in accordance with the Constitution and other national legal enactments.

21. The scope of this Act extends to any relations, in the realization of civil and human rights and freedoms, between citizens of Turkmenistan regardless of their whereabouts, foreigners and stateless persons in Turkmenistan, and State bodies, local government bodies and their officials.